

REMARKS

The Office rejects claims 1-3 and 5-10 in the subject application. Claims 1 and 2 are amended. Claims 1-3 and 5-10 (1 independent claims; 9 total claims) remain pending in the application.

Support for the amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. For example, support for the amendments to claims 1 and 2 can be found at pages 8-9 and 18-22. Reconsideration of this application is respectfully requested.

35 U.S.C. § 102 REJECTIONS

The Office rejects claims 1-3 and 5-10 under 35 U.S.C. §102(b) as allegedly being anticipated by Sugihara¹. Applicant respectfully traverses the rejection.

Sugihara discloses a cell potential measuring apparatus using a cell potential measuring electrode 2 and reference electrodes 10. A computer 30 gives a stimulus signal to cells, where electrodes can apply the stimulus signal.² Figures 3 and 4 of Sugihara disclose a number of microelectrodes and reference electrodes. The reference electrodes 10 are formed at lines extending from the diagonals of a rectangular region of the glass substrate in which the microelectrodes 11 are disposed.³

Sugihara discloses that electrodes can apply a stimulus signal to arbitrary microelectrodes 11. These electrodes applying a stimulus signal to various microelectrodes 11 could arguably be interpreted to be "at least one stimulus electrode" of the microelectrodes 11. However, it is unclear that the microelectrodes 11 include "at least one measurement electrode and at least one stimulus electrode" as recited in claim 1. If, for a moment, it is assumed that the microelectrodes 11 include at least one measurement electrode and at least one stimulus electrode, Sugihara is still missing at least one claimed limitation.

Regardless of the microelectrodes 11, Sugihara fails to teach, advise, or suggest "the reference electrode includes at least one measurement reference electrode and at least one stimulus reference electrode which is different from the at least one measurement reference electrode" as recited in claim 1 (and claims 2, 3, and 5-10, which variously depend from claim

¹ PCT Publication No. WO 99/34202, published July 8, 1999.

² Sugihara, page 6, line 23 to page 7, line 24.

³ Sugihara, page 9, lines 10-25.

1). Clearly, the reference electrodes 10 of Sugihara do not have "at least one measurement reference electrode and at least one stimulus reference electrode" as recited in claim 1 (emphasis added). The electrodes applying a "stimulus signal" are only in connection with microelectrodes 11 of Sugihara, and not a reference electrode. Accordingly, Sugihara fails to disclose the reference electrode 10 includes a stimulus reference electrode. Furthermore, the reference electrodes 10 of Sugihara do not have "at least one stimulus reference electrode which is different from the at least one measurement reference electrode" as recited in claim 1.

Thus, Sugihara is missing one or more of the claimed limitations, so that claims 1-3 and 5-10 are patentable over Sugihara. Therefore, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

Thus, the Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is thus requested. Applicant invites the Office to telephone the undersigned if he or she has any questions whatsoever regarding this Response or the present application in general.

Respectfully submitted,

By: S. Shah 7-19-04
Shahpar Shahpar
Reg. No. 45,875

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Phone: (602) 382-6306
Fax: (602) 382-6070
Email: sshahpar@swlaw.com